

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

CLERK, U.S. DISTRICT COURT
By _____

IN RE: ADMINISTRATIVE
SUBPOENAS TO GOOGLE INC.,
PURSUANT TO 18 U.S.C. § 2705(b)

Case No. 4:15-mj-406
HSI Case No. DA07QR15DA0046
Filed Under Seal

**APPLICATION FOR ORDER UNDER 18 U.S.C. § 2705(b) COMMANDING
GOOGLE INC., NOT TO NOTIFY ANY PERSON OF THE
EXISTENCE OF ADMINISTRATIVE SUBPOENAS**

The United States requests that the Court order GOOGLE INC., not to notify any person (including the subscribers and customers of the account(s) listed in the administrative subpoenas) of the existence of the attached administrative subpoenas, associated with Homeland Security Investigations case number DA07QR15DA0046, until further order of the Court.

GOOGLE INC., is a provider of an electronic communication service, as defined in 18 U.S.C. § 2510(15), and/or a remote computer service, as defined in 18 U.S.C. § 2711(2). Pursuant to 18 U.S.C. § 2703, the United States obtained the attached administrative subpoenas, which requires GOOGLE INC., to disclose certain records and information to the United States. This Court has authority under 18 U.S.C. § 2705(b) to issue “an order commanding a provider of electronic communications service or remote computing service to whom a warrant, subpoena, or court order is directed, for such period as the court deems appropriate, not to notify any other person of the existence of the warrant, subpoena, or court order.” *Id.*

Regarding this application, such an order would be appropriate because the administrative subpoenas relate to ongoing criminal investigations involving child exploitation that are neither public nor known to all of the targets of the investigations, and disclosure may alert the targets to the ongoing investigations. Online child pornography is trafficked through forums such as bulletin boards, websites, newsgroups, file share programs, social media sites and/or email. Information regarding the location of child pornography on the Internet can be disseminated to a wide audience through postings to bulletin boards, websites, newsgroups, file share programs, social media sites and/or email. Those same sources of information regarding the location of child pornography on the Internet can be used to disseminate information regarding the fact that a particular bulletin board, website, newsgroup, file share program, and/or email was the subject of a federal investigation in the wake of the disclosure that would occur in absence of an order to delay disclosure.

An order under 18 U.S.C. § 2705(b) is accordingly appropriate because there is reason to believe that notification of the existence of the administrative subpoenas will seriously jeopardize the investigations, including by giving targets an opportunity to flee or continue flight from prosecution, destroy or tamper with evidence, change patterns of behavior, or notify confederates. *See* 18 U.S.C. § 2705(b)(2), (3), (5). Some of the evidence in this investigation is stored electronically. If alerted to the investigation, the subjects under investigation could destroy that evidence, including information saved on their personal computers.

WHEREFORE, the United States respectfully requests that the Court grant the attached Order directly GOOGLE INC., not to disclose the existence or content of the administrative subpoenas, except that GOOGLE INC., may disclose the administrative subpoenas to an attorney for GOOGLE INC., for the purpose of receiving legal advice.

Under 18 U.S.C. § 2705(b), this Court has authority to issue a non-disclosure order for such period as the Court deems appropriate. The United States requests that the Court order that this application and any resulting order be sealed for a period of one year, subject to renewal upon a proper showing under 18 U.S.C. § 2705(b). As explained above, these documents discuss an ongoing criminal investigation that is neither public nor known to all of the targets of the investigation. Accordingly, there is good cause to seal these documents because their premature disclosure may seriously jeopardize the investigation

Executed on Sept 23, 2015.

Respectfully submitted,

JOHN R. PARKER
UNITED STATES ATTORNEY



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1. To (Name, Address, City, State, Zip Code) Google, Inc. Google Legal Investigative Support 1600 Amphitheatre Parkway Mountain View, CA 94043	DEPARTMENT OF HOMELAND SECURITY SUMMONS to Appear and/or Produce Records 19 U.S.C. § 1509
Summons Number ICE-HSI-DA-2015-01263	

By the service of this summons upon you, **YOU ARE HEREBY SUMMONED AND REQUIRED TO:**

- (A) ☐ **APPEAR** before the U.S. Customs and Border Protection (CBP) Officer or U.S. Immigration and Customs Enforcement (ICE) Special Agent named in Block 2 at the place, date and time indicated to testify and give information.
- (B) ☒ **PRODUCE** the records (including statements, declarations, and other documents) indicated in Block 3 before the CBP Officer or ICE Special Agent named in Block 2 at the place, date and time indicated.


Your testimony and/or production of the indicated records is required in connection with an investigation or inquiry to ascertain the correctness of entries, to determine the liability for duties, taxes, fines, penalties, or forfeitures, and/or to ensure compliance with the laws or regulations administered by CBP and ICE.

Failure to comply with this summons will render you liable to proceedings in a U.S. District Court to enforce compliance with this summons as well as other sanctions.

2. (A) CBP Officer or ICE Special Agent before whom you are required to appear Name Michael J. Cestare Title Special Agent Address 125 E. John Carpenter Freeway Suite 800 Irving, TX 75062 Telephone Number 972-444-7440 Fax Number 972-444-7521	(B) Date October 2, 2015 (C) Time 9:00 AM
3. Records required to be produced for inspection Please see attached continuation page.	

You are requested not to disclose the existence of this summons for an indefinite period of time. Any such disclosure will impede this investigation and thereby interfere with the enforcement of federal law.

Issued under authority of section 509, Tariff Act of 1930, as amended by Pub. L. No. 95-410 (19 U.S.C. § 1509); 44 F.R. 2217; Homeland Security Act of 2002

4. Name of person authorized to serve this summons or any other CBP Officer or ICE Special Agent Michael J. Cestare	5. Date of issue SEP 18 2015 By <u>Katherine Greer</u> (Signature)
	6. Name, title, address and telephone number of person issuing this summons Name Katherine Greer Title Acting Special Agent In Charge Address 125 E. John Carpenter Freeway Suite 800 Irving, TX 75062 Telephone Number 972-444-7300

If you have any questions regarding this summons, contact the CBP Officer or ICE Special Agent Identified in Block 2.

CERTIFICATE OF SERVICE AND ACKNOWLEDGMENT OF RECEIPT

A. CERTIFICATE OF SERVICE OF SUMMONS		
I certify that I served the summons on the front of this form as follows:		
<input type="checkbox"/> I delivered a copy of the summons to the person to whom it was directed, as follows:	Address or Location	Date
		Time <input type="checkbox"/> a.m. <input type="checkbox"/> p.m.
<input type="checkbox"/> (For corporations, partnerships, and unincorporated associations which may be sued under a common name) I delivered a copy of the summons to an officer, managing or general agent, or agent authorized to accept service of process as follows:	Address or Location	Date
		Time <input type="checkbox"/> a.m. <input type="checkbox"/> p.m.
	Name of person to whom the summons was delivered	
Signature		
Title		Date

B. ACKNOWLEDGMENT OF RECEIPT		
I acknowledge receipt of a copy of the summons on the front of this form.		
Signature		
Title	Date	Time <input type="checkbox"/> a.m. <input type="checkbox"/> p.m.

1. To (Name, Address, City, State, Zip Code)
Google, Inc.
Google Legal Investigative Support
1600 Amphitheatre Parkway
Mountain View, CA 94043

DEPARTMENT OF HOMELAND SECURITY

SUMMONS (Continuation)

to Appear and/or Produce Records
19 U.S.C. § 1509

Summons Number ICE-HSI-DA-2015-01263

3. Records required to be produced for inspection (continued)

Case Number: DA07QR15DA0046

Pursuant to an official investigation being conducted by Homeland Security Investigations, it is requested that your company provide all records/information pertaining to the E-MAIL ADDRESSES listed below. This is to include, but not be limited to, all current account information from connection records or records of session times, duration, and length of service (including start date) and types of services utilized; telephone or instrument number or other subscriber number or identity, including any temporary assigned network address; sub-accounts; email address information; last known IP data; and radius. This is to include the source of payment for such service (including any credit card information and/or bank account number), as per HR.3162 effective 10/26/2001.

E-MAIL ADDRESSES:

JSRMayeres@Gmail.com

CHILD EXPLOITATION INVESTIGATION

Method of Response:

Preferred:

Return the requested records in a data file format such as ".XLS", ".CSV", ".TXT", ".TIF", or ".PDF". The data file(s) should be delivered via e-mail to Special Agent Michael J. Cestare at Michael.J.Cestare@ice.dhs.gov.

NOTE: The ICE e-mail system limits incoming messages containing file attachments to 10 MB. For larger files send the summons response in multiple e-mail messages.

Alternates:

The records may be supplied in a file format on a CD-R. If the records are not available in data file format, paper documents will be accepted. The records should be delivered to Special Agent Michael J. Cestare at U.S. Immigration and Customs Enforcement, 125 E. John Carpenter Freeway, Suite 800, Irving, TX 75062.

If you have questions, please contact Special Agent Michael J. Cestare at 972-444-7440.

You are requested not to disclose the existence of this summons for an indefinite period of time. Any such disclosure will impede this investigation and thereby interfere with the enforcement of federal law.

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